HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No.83 of 2007

APPLICANT	Raju @ Rajnarayan Sahu s/o Late, Shri Sunderlal Sahu, aged about 40 years, r/o Nehru Chowk, Balodabazar, Distt. Raipur (C.G)
	Versus
RESPONDENT	State of Chhattisgarh, through Collector, Raipur (C.G.)

Criminal Revisions u/s 482 of the Code of Criminal Procedure

Appearance:

Shri Prakash Tiwari, counsel for the applicant.

Shri M.P.S. Bhatia, Panel Lawyer, for the State, on advance copy.

ORAL ORDER

(18.7.2007)

Sunil Kumar Sinha, J,

(1) Heard on admission.

(2) This petition has been directed against the order dated 27.2.2007 passed by the 2nd Addl. Session Judge, Baloda Bazar, in Criminal Revision No.373/2006 whereby the said Court dismissed the revision filed by the petitioner against the order dated 05.7.2006 passed in Criminal Case No.11/2006 of the file of Sub-Divisional Magistrate, Baloda Bazar, pending u/s 110 Cr.P.C.

(3) The contents of the impugned order would show that the revision was dismissed at the preliminary stage after dismissing an application filed u/s 5 of the Limitation Act.

(4) It appears that the aforesaid criminal revision was time barred and for condonation of delay in filing the said revision, the petitioner had filed an application u/s 5 of the Limitation Act.

(5) It was simply contended by the petitioner that the preliminary order dated 05.7.2006 was received by the petitioner on 31.10.2006, therefore, the starting point of Limitation shall be 31.10.2006 and if the Limitation is calculated from the said date, it would be well within time, hence there was no delay. The revisional Court took the view that the preliminary order dated 5.7.2006 (the order under challenge in revision) was passed by the Sub-Divisional Magistrate, the summon was also directed to be issued and a date of 26.7.2006 was fixed. On 26.7.2006 the petitioner caused his appearance in the Court of Magistrate. The Magistrate was on leave and the next date was given as 08.8.2006. Thereafter, the petitioner had also appeared on 8.8.2006 and had filed his reply on merits. Observing all this, the revisional Court has held that the petitioner was having knowledge about the passing of the said order since his first date of appearance before the Court i.e., 26.7.2006 and thereafter 8.8.2006 and if the period of limitation is calculated from these dates, the revision which was filed on 22.11.2006 shall be barred by limitation for which no satisfactory cause was shown by the petitioner.

(6) I have gone through the contents of the impugned order as also the dates given in it. After going through the contents of the said order and further considering the aforesaid dates etc., I am of the opinion that, in fact, the petitioner was having knowledge of this order since 26.7.2006 when he firstly made his appearance before the SDM, and the limitation shall begin to run from the said date and if the condonation was sought by him, he would have given adequate reasons for condoning the delay occurred after

calculating the limitation from the said date, which has not been done by him.

(7) There appears to be no illegality in the orders passed by the court below. The petition has no merits and the same is dismissed at the motion stage.

Sd/-
SUNIL KUMAR SINHA
Judge

/Rao/